

REMARKS

Claims 1-22 are pending in the application.

The Office has required election between one of following alleged distinct inventions:

- Group I: Claims 1-8 drawn to a phase shifting mask;
- Group II: Claims 9-16 drawn to methods of manufacturing phase shifting masks;
- Group III: Claims 17-21, drawn to a method of transferring a pattern through a phase shifting mask; and
- Group IV: Claim 22, drawn to a patterned semiconductor wafer.

ELECTION

The Applicants provisionally select Group II, including Claims 9-16, **with traverse.**

TRAVERSE

The restriction between Group I and Group II is improper and must be withdrawn.

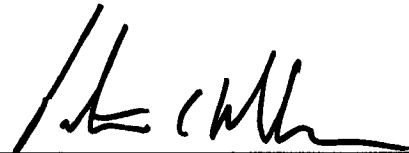
Restriction is only proper if two criteria are met. The inventions must be independent or distinct as claimed and there would be a serious burden on the examiner if restriction is not required (*See MPEP 803*). A serious burden on the examiner may be prima facie shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search. (*See MPEP 803*)

In the present case there has been no showing that examination of Groups I and II would be a serious burden on the examiner. In fact the examination of Group II would

require the search of elements of Group I. For example the examination of Claim 9 of Group II requires the search for the step of “providing a mask substrate; patterning at least one annular equal line space phase shifting pattern on said resist layer” and the search for Claim 1 of Group I requires only a search for “a mask substrate and at least one annular equal line space phase shifting pattern on said masked substrate”. The Search of Group II necessary requires a search of the elements in Group I. Thus there is no serious burden. Further evidence is provided by the Office, noting that Groups I & II share the same class and subclass, 430/ 5.

There is no showing, nor can there be a showing that examining the claims of Group I and Group II imposes a serious burden on the examiner. The same elements must be searched in the same subclass. For at least this reason all the claims of Group I and Group II, including Claims 1-16, must be examined.

Respectfully submitted,



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